an elastic line extending between the net and the means for establishing an anchor, and the said means for establishing an anchor comprises a spiral rod for ground entry with a tensing handle that can be at ground level on completion of entry and the freedom of movement is established by at least one rotating interconnection for rotating around the line axis and means for establishing one movable line of free movement normal to such axis. --

REMARKS

Claims 1-4 were rejected under 35 U.S.C. 103 on a combination of Sowards ('095) and Ainscough et al. ('789). The rejection is respectfully traversed as to claims 1-4 and in respect of possible application to claims 1-4 as now amended and claims 5 and 6 now presented.

Obviousness of combination is not appropriate here. The references teach away from modification to meet Applicants' claims. Further the references do not give a true game simulation for soccer or like ball movement sports.

Specifically:

(a) Ainscough et al. rejects an elastic tether line or the like. They state at col. 1, ll. 30-43 to "substantially inelastic" (col. 2, l. 28).

> By the term 'substantially inelastic' in describing the cord is meant that the fibers or strands forming the cord experience very little stretching or expansion other than a tensile or compression force which tightens or loosens the fit between adjacent fiver or strands. This cord is in contrast to a bungee cord which stretches substantially under a tensile force.

Further, a pole 46 or 66 is provided in all of the embodiments of FIGS. 1-6 and related text and the point of the tether is high up rather than at ground level. Note, also, objection in the reference to anchoring and distant kicking (col. 1, ll. 21-42).

(b) In the Ainscough et al. system the pole 46 or 66 interferes with ball movement and such interference and an inelastic tether limit realistic simulation of soccer play. But the reference asserts its own contrary features arguing for alleged offsetting advantages.

(c) Sowards objects to tethering and anchoring as in the presently recited invention, limiting the ball to rocking about ring 118 in a circular arc movement (FIG. 10) or spring 42 twisting (FIG. 1). There is no significant range of motion and no opportunity in Sowards' apparatus (or in Ainscough et al.) to simulate a true soccer pass or kick on goal and see a realistic motion of the ball.

(d) Sowards also objects to prior art (col. 1, ll. 13-24) tethering a soccer ball to an anchor on the basis that the tether causes a slow return time. This objection is solved by the current invention by varying the length and/or the thickness of the elastic tether. Contrary to Sowards assertions, with an elastic cord a player can effect a great variety of fast returns of different angles that are anything but "fixed." While Applicants agree with the Ainscough et al. objection to the limitations of Dudley (USP 5,620,186) wrapping a cord around the anchor, like

Sowards, Ainscough et al. are off the mark with respect to the elastic tethered ball not being available for contact with the player's foot. It is available as Applicants have demonstrated over and over (and as others have demonstrated too with an embodiment of the invention; see below) and this can be confirmed in a Rule 132 Declaration.

(e) The presently recited invention provides a much closer approximation of normal game play than the system of either Sowards or Ainscough et al. The present invention allows repetitive kicking in a variety of angles and trajectories from any position around the anchor on the fly. The player can move around to kick the ball, which cannot be done with the Sowards or Ainscough et al. devices. Most importantly, with the present invention a player can kick the ball straight ahead in front of herself and see if the ball goes in the direction intended. One troublesome skill for young players to learn is "lifting" the ball upward when they kick it. This is impossible with the Sowards device. With the Ainscough et al. device, the player cannot see where the ball travels and the swiveling arm constrains the ball's rising, which is the opposite of what the young player wants to practice.

(f) The Sowards and Ainscough et al. devices do not permit the visual feedback young players need. They need to see if their kicking practice is producing the desired results. By using an elastic tether the present invention allows the player to see the results of the kick in terms of velocity, trajectory, height and direction. These results are impossible to judge with the Ainscough et al. and Sowards devices and they are of central, crucial importance to a training device. This feedback feature is the result of applicants' use of the elastic cord that Ainscough et al. and Soward reject.

(g) Enclosed herewith is a copy of the package [and inside (graphic) directions sheet for installation and use] of a commercial embodiment of the present invention [SoccerEdge™ Bungee Cord Training Tool]. Also enclosed are several sheets copied from the back of a package for Kwik Kick Speed Ball™ ("A Punching Bag for the Feet") a commercial embodiment of the Sowards invention. A copy of its internal direction sheet is also enclosed. A commercial embodiment of the Ainscough et al. invention was offered on TV home shopping but was not a durable offering and has little if any marker present today as far as Applicants are aware. Soccer coaches have approved the Applicants' Soccer Edge™ device favorably.

(h) The described and presently claimed invention makes a distinct contribution to the art and all the evidence within the Sowards and Ainscough et al. references and in the marketplace and in training fields points.

(i) Given the incompatibilities of the references with each other and the principles of the invention described and claimed herein and given the real world evidence militating against a conclusion of obviousness it is submitted that a sec. 103 rejection is inappropriate and claims 1-6 should be allowed.

(j) If there are any questions, please call Applicant's attorney, collect, at the number given above. Please charge Deposit Account 03-2410 for claim fees adjustments. A duplicate

copy of this page is enclosed for accounting purposes. Please ignore the anomalous 3/17/00 IDS referred to in the action (for purposes of this response). The matter will be investigated and clarification will be provided later. Applicants did not file that IDS. It is requested that the objection to Declaration be withdrawn since each inventor made all the then necessary allegations except for "sole" vs. "joint" and joint invention is well understood from the continuing maintenance of the application (including its cover page).

Respectfully submitted,

CHRISTOPHER EVANS, et al., Applicants

Dated: June 7, 2001

By: _____

Jerry Cohen
Reg. No. 20,522
Attorney for Applicants

APPENDIX A

1. An apparatus for holding a soccer ball, comprising:

a) a tie down stake having

i) a spiraled lower portion to be inserted into the ground; and

ii) a circular-shaped upper portion;

b) a ring on said circular-shaped upper portion, said ring able to travel along a substantial portion of said circular-shaped upper portion, said ring to hold a tether to said tie down stake; [and]

c) a handle under said circular-shaped upper portion.

d) an elastic tether line; and

e) means for securing the soccer ball in a minimally interfering way with kicking, the tether being tied at its ends to, and extending between, the ring and said means for securing. --

-- 5. Apparatus for holding a ball for movement about an anchor position and retry comprising:

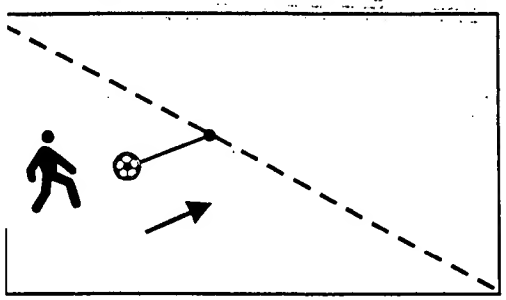
(a) means for securing the ball,

(b) means for establishing a ground level anchor,

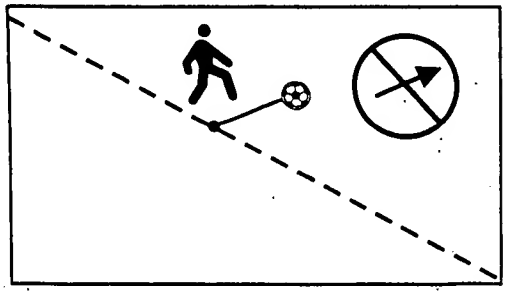
(c) flexible tethering means enabling movement of the ball from a position at or spaced from the anchor to another position spaced from the anchor and automatic retrieval of the ball, all within a zone of variable boundary depending on external moving force applied to the ball and through it to the flexible tethering means,

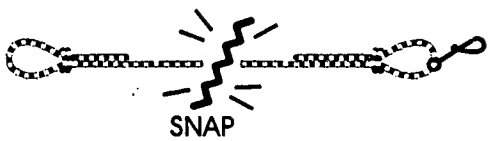
the apparatus as a whole constructed and arranged to provide a clear field for ball movement over the anchor and in a surrounding zone and with multiple degrees of freedom of movement to enable simulation of usual play mode of usage of the ball.

6. The apparatus of claim 5 wherein the ball is secured in a net, the tethering means is an elastic line extending between the net and the means for establishing an anchor, and the said means for establishing an anchor comprises a spiral rod for ground entry with a tensing handle that can be at ground level on completion of entry and the freedom of movement is established by at least one rotating interconnection for rotating around the line axis and means for establishing one movable line of free movement normal to such axis.--

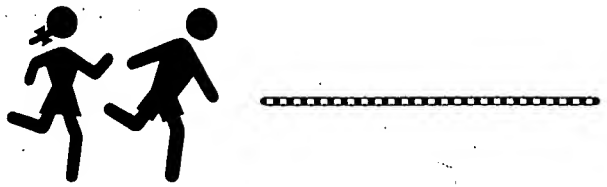


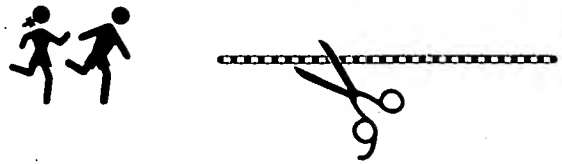
OK





SNAP

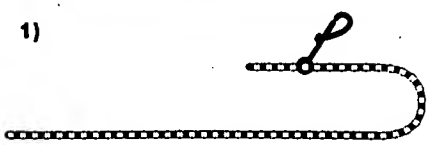




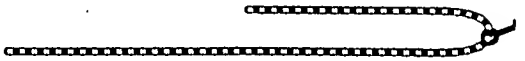
SoccerEdge

Instructions

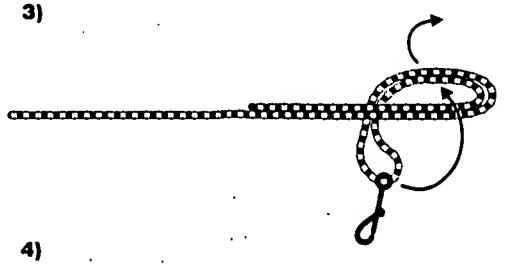
1)



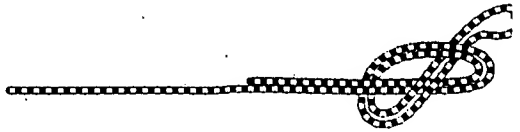
2)



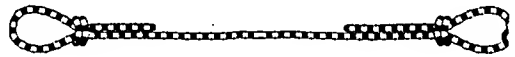
3)



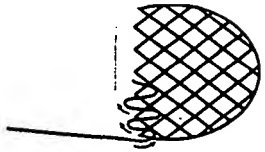
4)



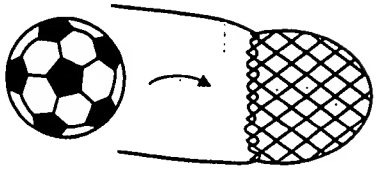
5)



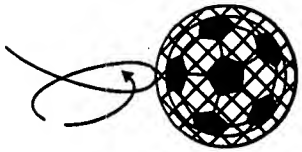
1)



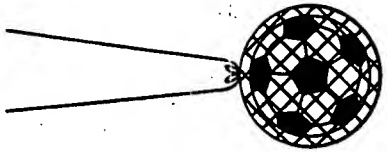
2)



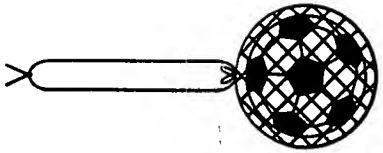
3)



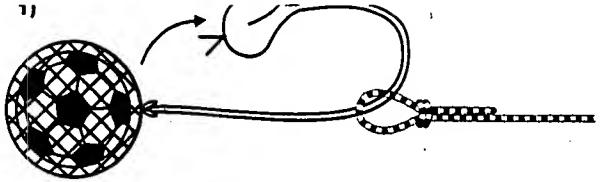
4)



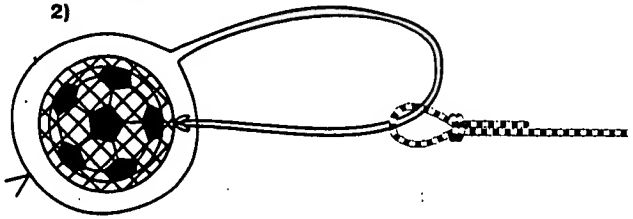
5)



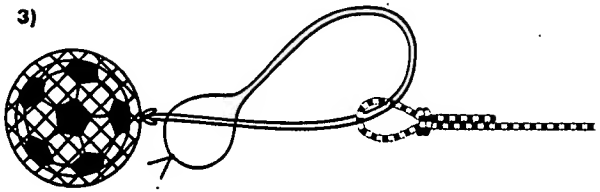
1)



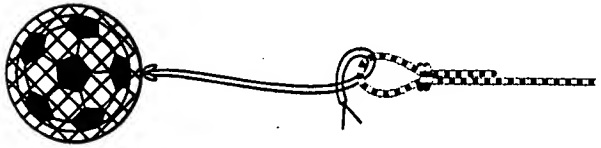
2)



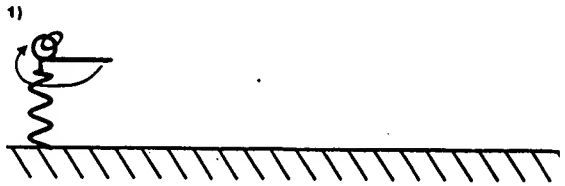
3)



4)

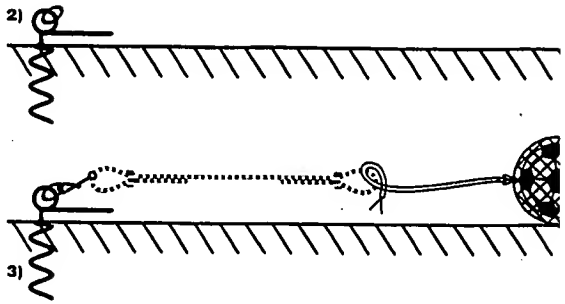


1)



2)

3)

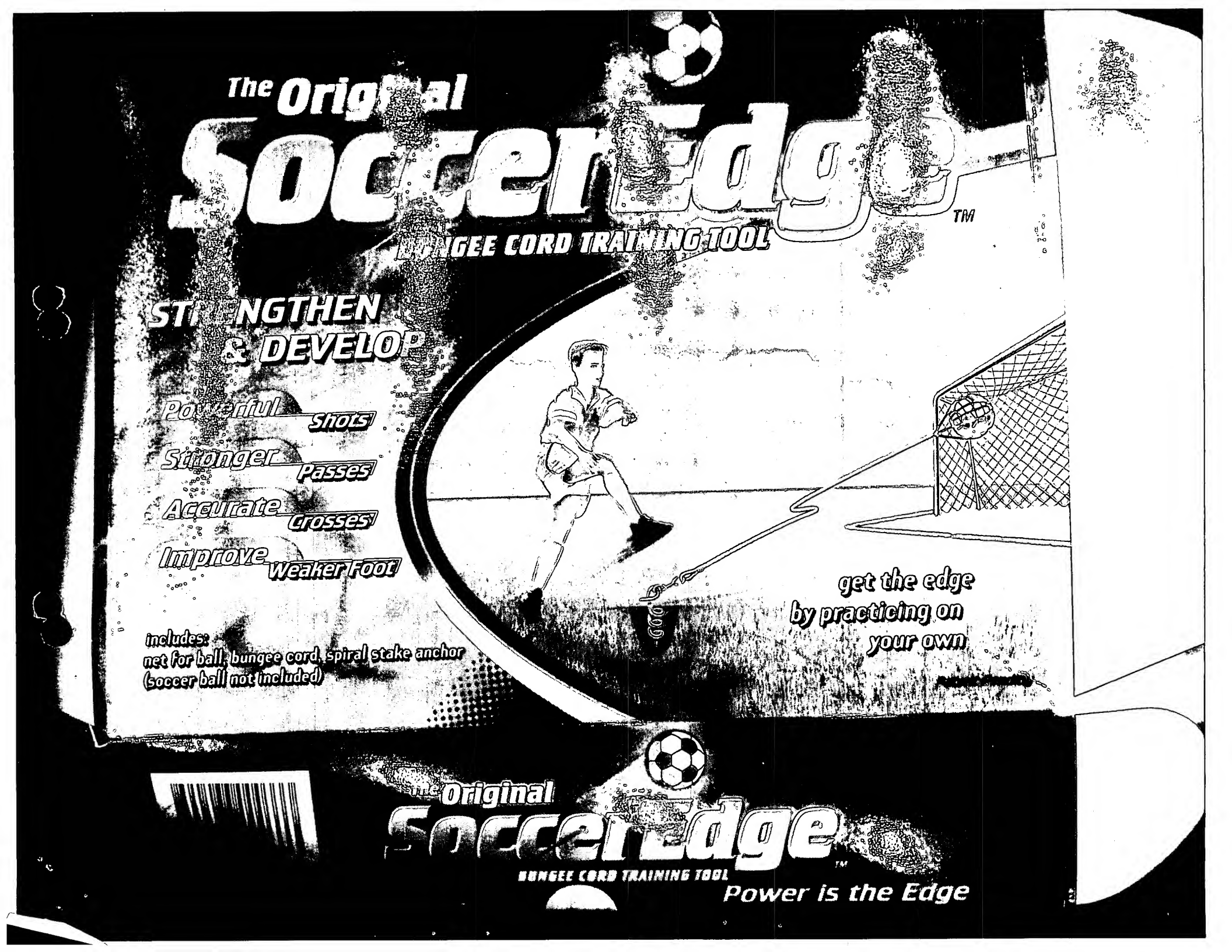


Warning: Remove stake from ground after use prevent injury to persons.

Alerta: Quite la estaca del la tierra para prevenir lesión a las personas.

Avertissement: Retirez le pied du sol après l'utilisation pour empêcher des blesse aux personnes.

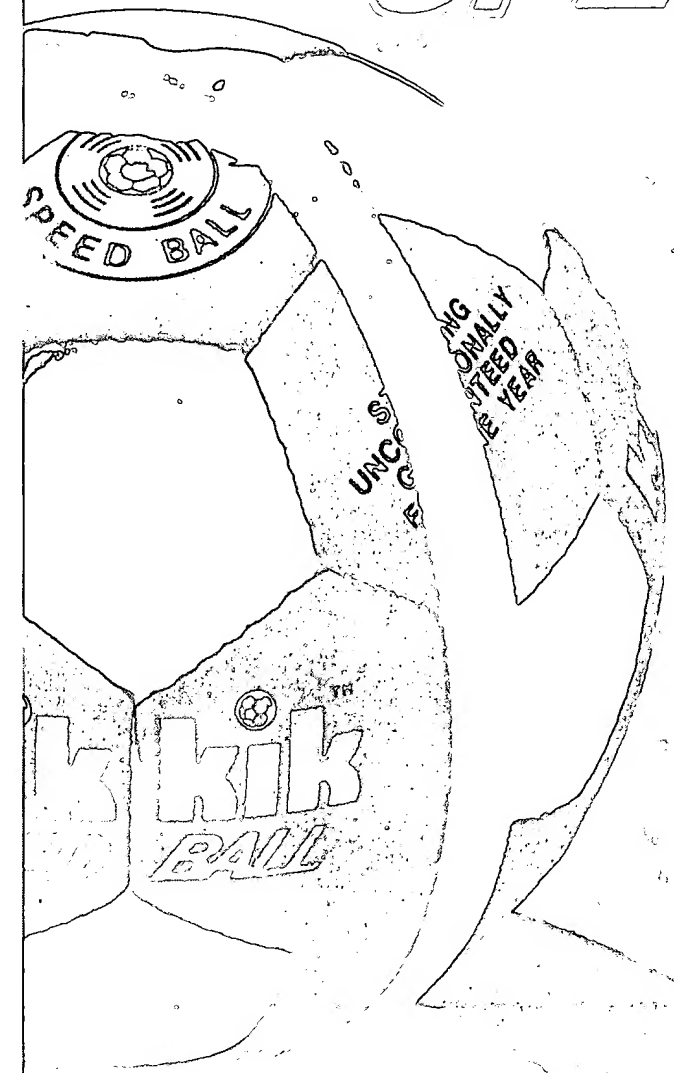
www.socceredge.net

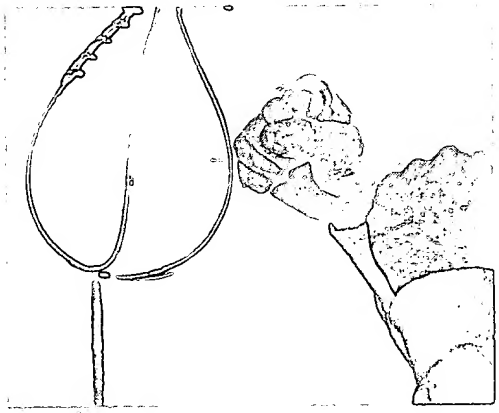

The Original
SoccerEdge™
BUNGEE CORD TRAINING TOOL
STRENGTHEN & DEVELOP
Powerful Shots
Stronger Passes
Accurate Crosses
Improve Weaker Foot
includes:
net for ball, bungee cord, spiral stake anchor
(soccer ball not included)
get the edge
by practicing on
your own
The Original
SoccerEdge™
BUNGEE CORD TRAINING TOOL
Power is the Edge

KWIK KICK™ SPEED BALL™

020-941-015
23603566
KWIK KICK SPEED BALL
643929316748
$29.99

It's a "SNAP"!





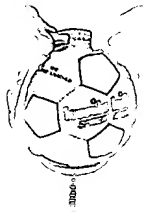
NOW!

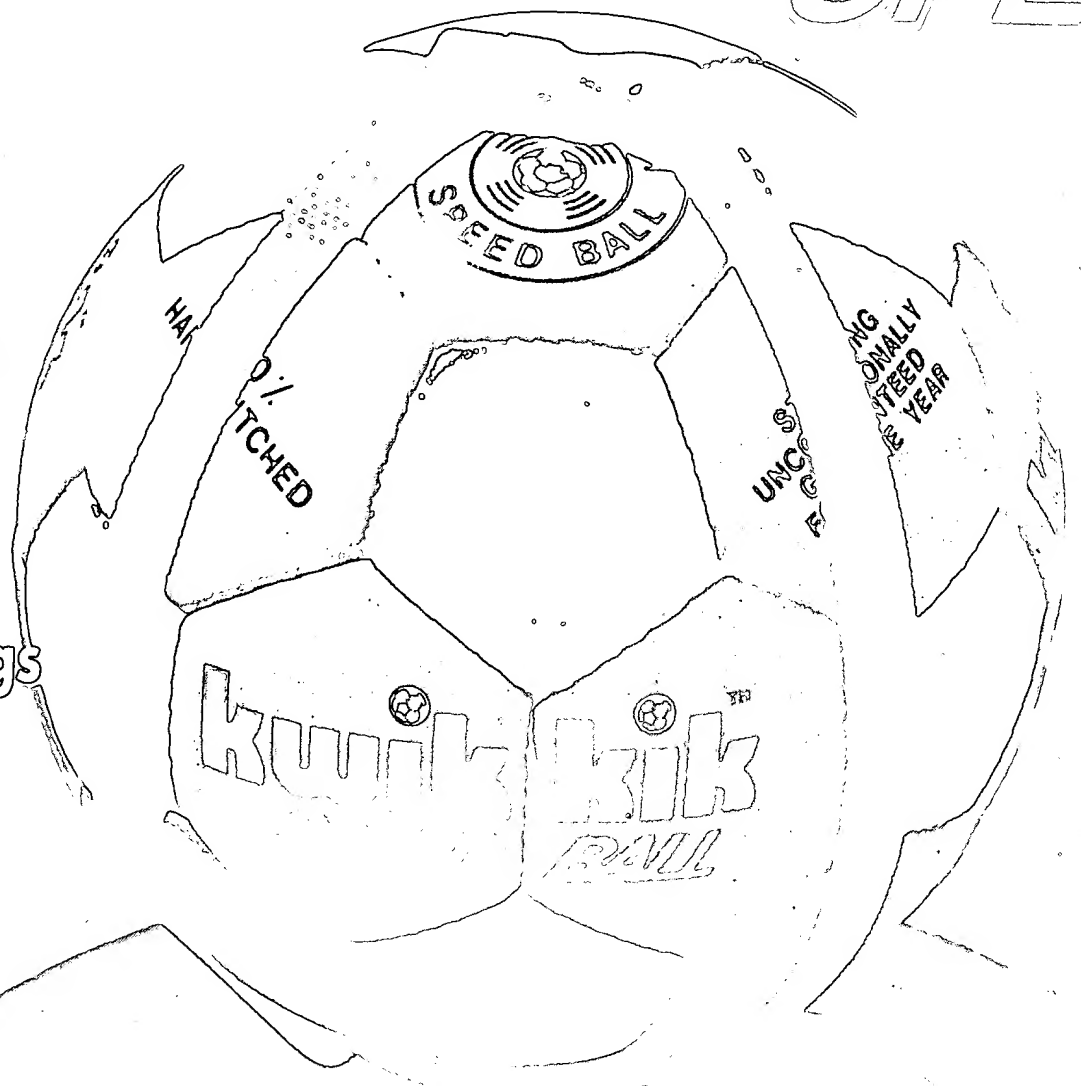
A PUNCHING BAG for the FEET

MADE IN THE U.S.A.

r soccer ball into a...

KWI
SPEE





ALL SPORTS

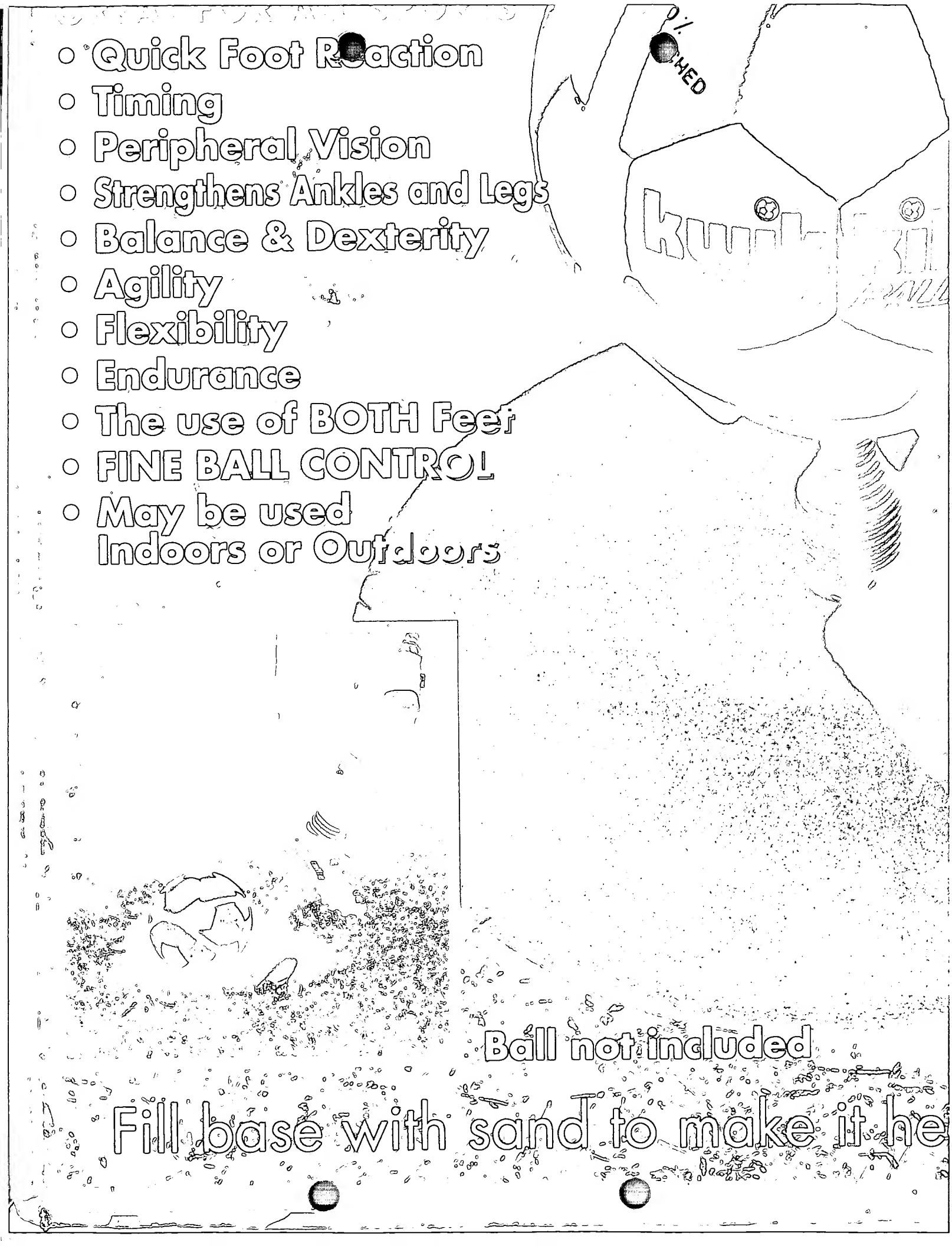
t Reaction

Vision
Ankles and Legs
Dexterity

BOTH Feet
CONTROL
ed
Outdoors

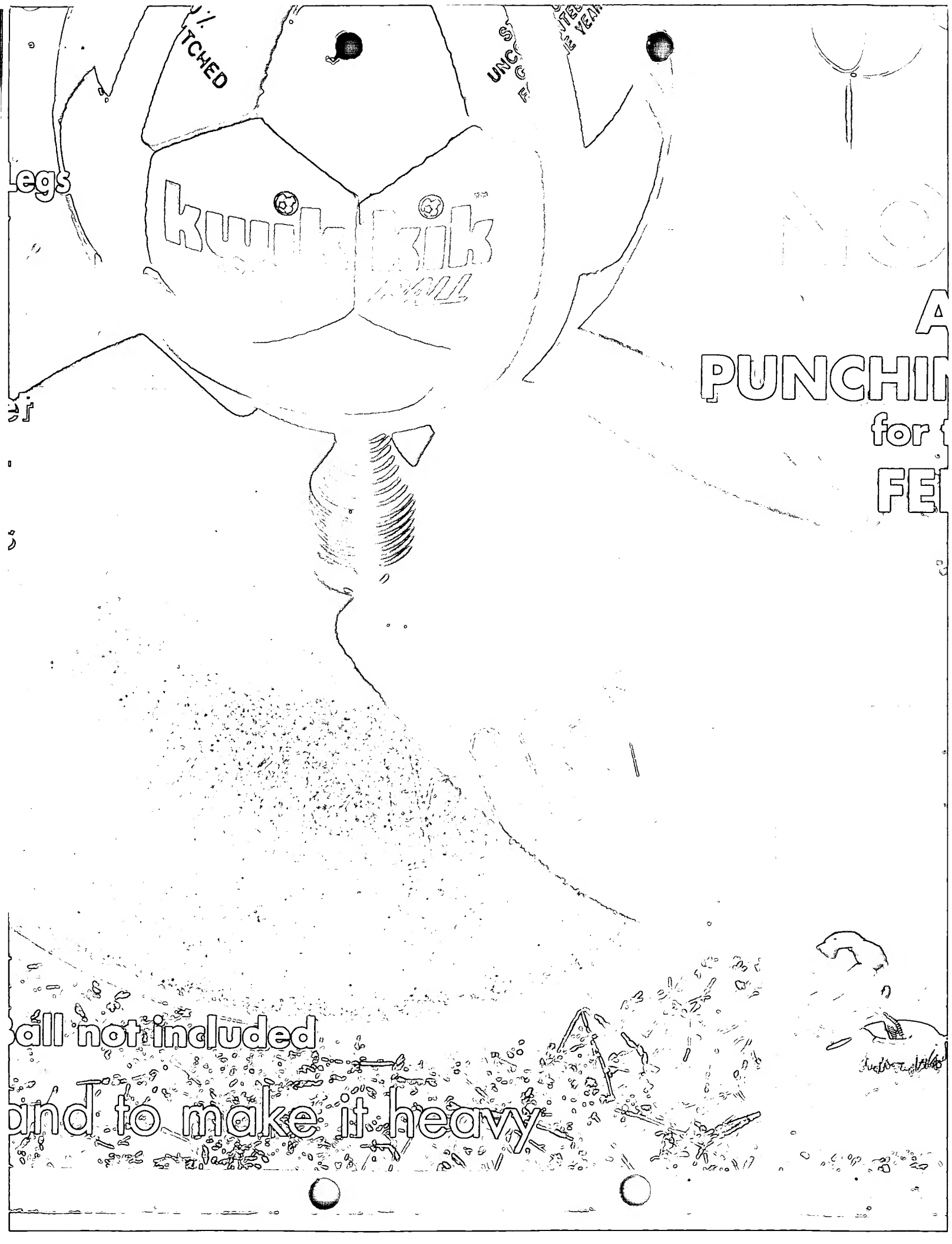
PU

- Quick Foot Reaction
- Timing
- Peripheral Vision
- Strengthens Ankles and Legs
- Balance & Dexterity
- Agility
- Flexibility
- Endurance
- The use of BOTH Feet
- FINE BALL CONTROL
- May be used Indoors or Outdoors



Ball not included

Fill base with sand to make it he

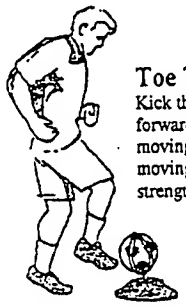

Legs
kwik kik
A
PUNCHIN
for
FE
all not included
and to make it heavy

Home Position: Kick with the inside of the feet... locking the ankle in correct soccer position. Stand a few inches back from the base. Begin by jogging in place, keep your body forward and low. Bending at the knees, begin kicking the ball at it's lowest position, after the first touch. As you look down - if your feet are coming over the base more than 2-3 inches - you are kicking incorrectly. Once you get the Kwik Kik moving, your feet should not be more that 4 to 6 inches off the ground. Home position is where you begin your workout, all moves originate from this position

Outside/Inside: Begin from the Home position. Gradually turn your body to one side, shift knee and foot so one foot is making contact on the outside of the foot instead of the inside. Now go to the other side pausing at the home position.

Hovering over The Top: Starting from the home position – keeping your feet the same distance from the base - increase your stance until you begin to straddle the ball, bringing your feet toward the center, the ball will move in a figure eight pattern. Remember not to bring your feet more than 3 inches over the base and keep your feet low.

Shoulder Block: Have another member of your team push against you while using the Kwik Kik. Move around the ball keeping your teammate to your side or at your back. This will help you start lowering your center of gravity while controlling and protecting the ball.



Toe Touch or Instep: Kick the Kwik Kik in the forward position with the toes moving to the instep or laces, moving back and forth, strengthening the ankle.

Kwik Kik Equipment
2916 Maese Ln.
Las Cruces, NM 88005
1-888-KWIK KIK
1-505-527-8485
Support@kwikkik.com
Web Address
www.kwikkik.com

Inside-Outside Behind the leg Routine: This is one of the most difficult to master and one or the last you should try. You must build your coordination to the point that you can kick the ball with the inside-outside without fatiguing and losing control.. Turn sideways as far as you can while kicking the ball with the inside outside. After kicking the ball with the outside of the foot bring it forward instead of back to its original place, bring the other leg behind and strike the ball. The ball is then kicked again with the outside of the foot as it returns to the original position. Don't try this repetitiously to start with. Get the ball going, do it once, return to the inside-outside position, get the ball under control then try again.

Turn around heel kick: From the Inside outside position, keep turning around until you are kicking with your heels. The difficult part is the timing. This repetitive workout will develop muscle memory.

Practice Points: 1. Long exercise periods are not necessary because it is so concentrated. 2. Repetition will help develop muscle memory. 3. Locking your ankle every time you kick the ball will help develop muscle endurance. It will soon become second nature to have your ankle in the proper position, even late in the game. 4. You may notice that you lose coordination after only a few repetitions. This is because your muscles are not used to firing the same movement repeatedly. This will quickly change as the recovery time is shortened. 5. Keep your feet low, pivoting with your ankles, knees and hips. 6. Don't lean back, bend your lower back to bring your center of gravity forward, flex with your knees to lower your center of gravity. 7. Look up while dribbling. 8. Isolate different muscle groups, to strengthen.

Suggested Exercises:

See

Moving illustrations

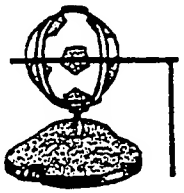
@

www.kwikkik.com

kwik kik™
SPEEDBALL

Patented & Patents Pending Foreign and Domestic

Warning!!!



Feet should not go above the midpoint of the ball. If the ball gets under your foot, <u>you will fall.</u>

Stand back from the Kwik Kik this far (2+ inches). Kick keeping your feet low.

Parts list: Base, Ball Cup, Spring, Two Straps*, Three 7/16 Washers* (one may be in base) Four Jam Nuts*, Lid*, and Buckle*. * = Standard hardware items, available locally
Parts are carefully checked before shipment, problem, do not contact the retailer call 1-888-594-5545

Your foot must never come over the top of the Ball

YOU WILL FALL

Before you begin: A Word of <u>CAUTION!</u>

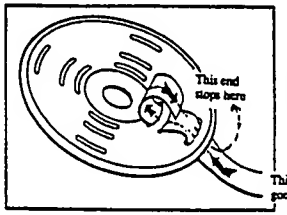
1. Make sure the area around the Kwik Kik is clear of hard or sharp objects.
2. The Kwik Kik is a concentrated exercise. If your physical condition is in doubt, consult your physician before using the Kwik Kik.
3. Never bring your foot higher than midway up the ball. Kick when the ball is at it's lowest point towards you. If you get the ball under your foot <u>you will fall.</u>
4. For proper use, keep your feet low (4 to 6 inches from the ground).
5. Do not stand too close to the Kwik Kik. You are too close if your foot extends more than 2 inches over the edge of base while kicking the ball.
6. Make contact with the ball as it leans closest to you.

Tips For Using the Kwik Kik Speed Ball

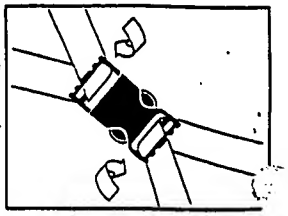
1. If you kick the ball too slow, it will rotate in circles, speed up the pace. Do not follow through once contact with ball is made, get your foot back quickly.
2. Stay on your toes, bring foot directly to the ball, do not swing your foot back and away from the ball first (no wind up, it takes too much time).
3. Change kicking direction and footing often. Increase the length of time and difficulty as your coordination and physical condition improves.

kwik kik™ SPEEDBALL

ASSEMBLY INSTRUCTIONS

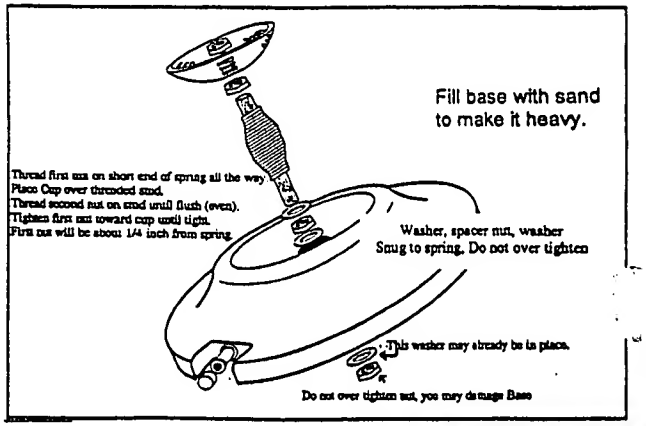


You may use any size soccer ball. Adjust the straps to fit as shown.



Insert the ends of the strap starting with the top large slit from the bottom of the cup as illustrated above.

Loop the straps thru the lock over then under making sure the straps are the exact opposites of each other when locked as illustrated above.



Do Not <u>Slam Kick</u> The **kwik kik**™, this will damage the spring.